



## DECISIONS, NOTICES, AND ORDERS

Monday, February 2, 2026

The Intermediate Court of Appeals of West Virginia has taken action in the following cases in the month of January 2026. This list contains only the actions of note taken by the Intermediate Court, not the content or actual date of orders or decisions.

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### MEMORANDUM DECISIONS

In accordance with Rule 21, memorandum decisions were entered in the following cases:

J.C. Baker & Son, Inc. v. Daniel C. Cooper, as Executor of the Estate of George C. Baker, 25-ICA-291 (Cir. Ct. Braxton Cnty. No. CC-04-2022-C-10)  
Affirmed (2-0) (Judge White, not participating)

Amy Hull-Wright, Betty Garrett Schmidt, Susan Schwartz, and Mitchell Garrett v. Arsenal Resources, LLC, 25-ICA-304 (Oil and Gas Conservation Comm'n Docket No. 404-490, Order No. 1)  
Vacated and Remanded (3-0)

### RULE 19 ARGUMENT GRANTED

The following cases will be scheduled for Rule 19 oral argument:

Amber B. Elmore v. Mount Vernon Baptist Church, Frank Budd, the Board of Deacons of the Mount Vernon Baptist Church, and Ronald McClung, 25-ICA-234 (Cir. Ct. Putnam Cnty. No. CC-40-2023-C-73) (3-0)

Jewell R. Hughey v. James M. Cagle, Individually and as Partner in the Firm of Cagle & Jackson, and Cagle & Jackson; and Jewell R. Hughey v. P. Rodney Jackson, 25-ICA-316 and 25-ICA-317 (Cir. Ct. Kanawha Cnty. Nos. CC-20-2017-C-1100 and CC-20-2022-C-160) (2-0) (Judge Greear, not participating)

## **RULE 20 ARGUMENT GRANTED**

The following cases will be scheduled for Rule 20 oral argument:

Harvey Bellomy and Nancy Bellomy v. Falcon Ridge Unit Owners' Association, Inc., 25-ICA-279 (Cir. Ct. Mercer Cnty. No. CC-28-2023-C-59) (3-0)

## **ORDERS**

Orders of note were entered in the following cases:

William Stonestreet v. Robert Burdette and Rebecca Burdette, 26-ICA-6 (Cir. Ct. Clay Cnty. No. CC-08-2025-C-5)  
Motion for Stay Granted (3-0)

Ruby Brown v. Titan Family Holdings, LLC, 25-ICA-488 (Cir. Ct. Kanawha Cnty. No. FC-20-2025-C-AP-149)  
Motion for Stay Refused (3-0)

Oncology & Hematology Associates of Southwest Virginia Inc., d/b/a Blue Ridge Cancer Care v. Princeton Community Hospital Association, Inc., d/b/a Princeton Community Hospital, and West Virginia Health Care Authority, 25-ICA-399 and 25-ICA-400 (W. Va. Health Care Authority CON File Nos. 25-1-13372-X and 25-1-13373-X)  
Motions to Dismiss Granted (2-1) (Judge White, dissenting)

American Heritage Music Hall, Inc. v. Municipality of Ronceverte, West Virginia, and Ronceverte Parks and Recreation Commission for the Municipality of Ronceverte and James L. Arnold, 26-ICA-24 (Cir. Ct. Greenbrier Cnty. Nos. CC-13-2024-C-25 and CC-13-2024-C-26)  
Motion to Dismiss Refused (3-0)

R.M. Roach & Sons, Inc. v. Harry Johnson and Bonnie Bundy, 25-ICA-489 (Cir. Ct. Berkeley Cnty. No. CC-02-2022-C-297)  
Motion to Dismiss Refused (3-0)

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David Lee Cobun, Cobun Family Trust, Linda Cobun Flood, Donella Cobun, and Randy Cobun v. Richard Phillips, 25-ICA-451 (Cir. Ct. Preston Cnty. No. CC-39-2021-C-76)  
Motion to Dismiss Refused (3-0)

Cristy K. v. Jimmy K., 25-ICA-253 (Fam. Ct. Putnam Cnty. No. FC-40-2017-D-356)  
Motion for Stay Refused (3-0)